

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

CHARLES DAVIS, BART PANESEA, and  
JEFF NIEMEIER, Individually and On  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

KATANGA MINING LIMITED, JOHNNY  
BLIZZARD, JACQUES LUBBE,  
MATTHEW COLWILL, ARISTOTELIS  
MISTAKIDIS, LIAM GALLAGHER, TIM  
HENDERSON, IVAN GLASENBERG, AND  
GLENCORE PLC,

Defendants.

Case No. 2:17-cv-12188-CCC-JBC

CLASS ACTION

**AMENDMENT TO STIPULATION AND AGREEMENT OF SETTLEMENT**

THIS AMENDMENT (the “Amendment”), made as of June 15, 2021 (the “Amendment Effective Date”), by and between(i) Lead Plaintiff Charles Davis (“Davis”) and Named Plaintiffs Bart Panessa and Jeffrey Niemeier (“Plaintiffs”), on behalf of themselves and on behalf of the Settlement Class (as defined herein), and (ii) Katanga Mining Limited (“Katanga” or the “Company”), Johnny Blizzard (“Blizzard”), Jacques Lubbe (“Lubbe”), Matthew Colwill (“Colwill”), Aristotelis Mistakidis (“Mistakidis”), Liam Gallagher (“Gallagher”), Tim Henderson (“Henderson”), Ivan Glasenberg (“Glasenberg”), and Glencore Plc (“Glencore” and collectively, “Defendants”) (each a “Party” and collectively, the “Parties”).

WHEREAS, the Parties entered into to the Stipulation and Agreement of Settlement, dated as of March 6, 2021 (the “Stipulation”), and;

WHEREAS, the Parties wish to modify, amend and/or supplement certain terms of the Stipulation as detailed more specifically below, with effect on the Amendment Effective Date;

NOW, THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties agree to amend, modify, and/or supplement the Stipulation as of the Amendment Effective Date as follows:

Paragraph 1.27 of the Stipulation is amended to read as follows:

1.27 **“Released Claims”** means any and all Claims (including Unknown Claims as defined in ¶ 1.38), whether brought directly or indirectly, that (a) have been asserted in the Action or (b) could have been asserted in this Action or (c) could in the future be asserted in any forum, by Plaintiffs, any member of the Settlement Class, or their successors, assigns, executors, administrators, representatives, attorneys, and agents, in their capacities as such, which arise out of, are based upon, or relate to in any way to (i) any of the allegations, acts, transactions, facts, events, matters, occurrences, representations or omissions involved, set forth, alleged or referred to in this Action or (ii) the purchase, acquisition, holding, sale, or disposition of Katanga securities traded on or through the U.S. OTC Markets by members of the Settlement Class. Notwithstanding the foregoing, “Released Claims” does not include claims to enforce the terms of this Stipulation or orders or judgments issued by the Court in connection with this Settlement or claims asserted in the Statement of Claim filed January 21, 2021, in the matter of *Cheng v. Glencore plc, et al.*, Supreme Court of Yukon, File No. 20-A0119.

**IN WITNESS WHEREOF**, the Parties have executed this Amendment by their undersigned counsel effective as of the date set forth below.

Dated: June 15, 2021

**THE ROSEN LAW FIRM, P.A.**

By: /s/ Laurence M. Rosen

Laurence M. Rosen  
One Gateway Center, Suite 2600  
Newark, NJ 07102  
Tel: (973) 313-1887  
Fax: (973) 833-0399  
Email: lrosen@rosenlegal.com

and

Philip Kim (*pro hac vice*)  
Brent J. LaPointe (*pro hac vice*)  
275 Madison Avenue, 40<sup>th</sup> Floor  
New York, NY 10016  
Tel: (212) 686-1060  
Fax: (212) 202-3827  
Email: pkim@rosenlegal.com  
Email: blapointe@rosenlegal.com

*Lead Counsel for Plaintiffs and the Putative Class*

Dated: June 15, 2021

**HARTMANN DOHERTY ROSA  
BERMAN & BULBULIA, LLC**

By: /s/ Richard A. Rosen

Mark A. Berman, Esq.

Robin D. Fineman, Esq.

65 Route 4 East

River Edge, NJ 07661

Tel: (201) 441-9056

**PAUL, WEISS, RIFKIND, WHARTON &  
GARRISON LLP**

Richard A. Rosen, Esq. (pro hac vice)

1285 Avenue of the Americas

New York, NY 10019-6064

Tel: (212) 373-3000

Email: rrosen@paulweiss.com

*Counsel for Defendants Katanga Mining Limited,  
Johnny Blizzard, Jacques Lubbe, Matthew Colwill,  
Liam Gallagher, and Tim Henderson*

Dated: June 15, 2021

**BROWN & CONNERY, LLP**

By: /s/ Davis S. Lesser  
Susan M. Leming, Esq.  
360 Haddon Avenue  
Westmont, NJ 08108  
Tel: (856) 854-8900  
Email: sleming@brownconnery.com

**WILMER CUTLER PICKERING HALE AND  
DORR LLP**

Michael G. Bongiorno, Esq. (pro hac vice)  
David S. Lesser, Esq. (pro hac vice)  
Jamie S. Dycus, Esq. (pro hac vice)  
7 World Trade Center  
250 Greenwich Street  
New York, NY 10007  
Tel: (212) 230-8800  
Email: michael.bongiorno@wilmerhale.com  
Email: david.lesser@wilmerhale.com  
Email: jamie.dycus@wilmerhale.com